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9 Attorneys for Complainant

10
11 **BEFORE THE**
BOARD OF REGISTERED NURSING
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13
14 In the Matter of the Petition to Revoke Probation
Against:

15 **ARLENE JOYCE LEONARD, R.N.**
P.O. Box 611
16 Aguanga, CA 92536

17 Registered Nurse License No. 511240

18 Respondent.

Case No. 2002-88

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

19
20 **FINDINGS OF FACT**

21 1. On or about February 13, 2007, Complainant Ruth Ann Terry, M.P.H,
22 R.N, in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs, filed Petition to Revoke Probation No. 2002-88 against Arlene
24 Joyce Leonard, R.N. (Respondent) before the Board of Registered Nursing.

25 2. On or about May 9, 1995, the Board of Registered Nursing (Board) issued
26 Registered Nurse License No. 511240 to Respondent. The Registered Nurse License was in full
27 force and effect at all times relevant to the charges brought herein and will expire on July 31,
28 2008, unless renewed.

1 3. On or about February 22, 2007, Veronica Cruz, an employee of the
2 Department of Justice, served by Certified and First Class Mail a copy of the Petition to Revoke
3 Probation No. 2002-88, Statement to Respondent, Notice of Defense, Request for Discovery,
4 Government Code sections 11507.5, 11507.6, and 11507.7, and Disciplinary Guidelines to
5 Respondent's address of record with the Board, which was and is P.O. Box 611
6 Aguanga, CA 92536. She also served Respondent by Certified and First Class Mail at another
7 address known by the Board, 40590 Reed Valley Road, Aguanga, CA 92563. A copy of the
8 Petition to Revoke Probation, the related documents, and Declaration of Service are attached as
9 exhibit A, and are incorporated herein by reference.

10 4. Service of the Petition to Revoke Probation was effective as a matter of
11 law under the provisions of Government Code section 11505, subdivision (c).

12 5. On or about February 28, 2007, the copy of the documents served by
13 Certified Mail to 40590 Reed Valley Road, Aguanga, CA 92563 was returned by the U.S. Postal
14 Service marked "Not deliverable as addressed." A copy of the envelope returned by the post
15 office is attached as exhibit B, and is incorporated herein by reference. The copy of the
16 documents served by First Class Mail to the same address was not returned by the U.S. Postal
17 Service.

18 6. The copy sent by Certified and First Class Mail to Respondent's address of
19 record with the Board, which was and is P.O. Box 611, Aguanga, CA 92536, was never returned
20 to this office.

21 7. Government Code section 11506 states, in pertinent part:

22 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
23 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
24 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
25 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

26 8. Respondent failed to file a Notice of Defense within 15 days after service
27 upon her of the Petition to Revoke Probation, and therefore waived her right to a hearing on the
28 merits of Petition to Revoke Probation No. 2002-88.

9. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in exhibits A and B finds that the allegations in Petition to Revoke Probation No. 2002-88 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Arlene Joyce Leonard, R.N. has subjected her Registered Nurse License No. 511240 to discipline.

2. A copy of the Petition to Revoke Probation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Petition to Revoke Probation:

A. Violation of Probation Condition 5: Failure to Submit Written Reports

B. Violation of Probation Condition 6: Failure to Function as a Registered Nurse

C. Violation of Probation Condition 11: Failure to Pay Costs

D. Violation of Probation Condition 15: Failure to Participate in Treatment Program

E. Violation of Probation Condition 17: Failure to Submit to Tests and Samples

F. Violation of Probation Condition 18: Failure to Have Mental Health Examination

1 G. Violation of Probation Condition 19: Failure to Attend Therapy or
2 Counseling

3 H. Violation of Probation Condition 2: Failure to Comply with
4 Probation Program

5 **ORDER**

6 IT IS SO ORDERED that Registered Nurse License No. 511240, heretofore
7 issued to Respondent Arlene Joyce Leonard, R.N., is revoked.

8 Pursuant to Government Code section 11520, subdivision (c), Respondent may
9 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
10 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
11 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
12 statute.

13 This Decision shall become effective on November 3, 2007.

14 It is so ORDERED OCTOBER 4, 2007

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17 FOR THE BOARD OF REGISTERED NURSING
18 DEPARTMENT OF CONSUMER AFFAIRS
19

20 **Attachments:**

21 **Exhibit A:** Petition to Revoke Probation No. 2002-88 , Related Documents, and Declaration
22 of Service

23 **Exhibit B:** Copy of Envelope Returned by Post Office
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Exhibit A

**Petition to Revoke Probation No. 2002-88,
Related Documents and Declaration of Service**

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 MARGARET A. LAFKO
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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Petition to Revoke Probation
Against:

13 ARLENE JOYCE LEONARD, R.N.
14 P.O. Box 611
Aguanga, CA 92536

15 Registered Nurse License No. 511240

16 Respondent.

Case No. 2002-88

**PETITION TO REVOKE
PROBATION**

17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Petition to
21 Revoke Probation solely in her official capacity as the Executive Officer of the Board of
22 Registered Nursing (Board).

23 2. On or about May 9, 1995, the Board issued Registered Nurse License
24 Number 511240 to Arlene Joyce Leonard, R.N. (Respondent). The Registered Nurse License
25 was in effect at all times relevant to the charges brought herein and will expire on July 31, 2008,
26 unless renewed.

27 3. In a disciplinary action entitled "In the Matter of Accusation Against
28 Arlene Joyce Leonard," Case No. 2002-88, the Board issued a decision, effective February 20,

1 2004, in which Respondent's Registered Nurse License was revoked. However, the revocation
2 was stayed and Respondent's license was placed on probation for a period of three (3) years with
3 certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated
4 by reference.

5 JURISDICTION

6 4. This Petition to Revoke Probation is brought before the Board, under the
7 authority of the following laws. All section references are to the Business and Professions Code
8 unless otherwise noted.

9 5. Section 2750 of the Code provides, in pertinent part, that the Board may
10 discipline any licensee, for any reason provided in Article 3 of the Nursing Practice Act
11 (Business & Professions Code section 2700, *et seq.*)

12 6. Section 2759 of the Code, provides, in pertinent part, that the Board shall
13 discipline the holder of any license who has been heard by the Board and found guilty by
14 suspending judgment, placing him upon probation, suspending his right to practice nursing for a
15 period not exceeding one year, revoking his license or taking such other action in relation to
16 disciplining him as the Board in its discretion may deem proper.

17 7. Section 2764 of the Code provides, in pertinent part, that the expiration of
18 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
19 against the licensee or to render a decision imposing discipline on the license.

20 8. Grounds exist for revoking the probation and reimposing the order of
21 revocation of Respondent's Registered Nurse License No. 511240. Condition 12 of the
22 Stipulated Settlement and Disciplinary Order states, in pertinent part:

- 23 12. **Violation of Probation.** If respondent violates the conditions of her
24 probation, the Board after giving the respondent notice and an opportunity
25 to be heard, may set aside the stay order and impose the stayed discipline
(revocation/suspension) of the respondent's license.

26 If during the period of probation, an Accusation or Petition to Revoke
27 Probation has been filed against respondent's license or the Attorney
28 General's Office has been requested to prepare an Accusation or Petition
to Revoke Probation against the respondent's license, the probationary
period shall automatically be extended and shall not expire until the
accusation or petition has been acted upon by the Board.

9. Respondent has violated the conditions of her Probation, as set forth in the following paragraphs:

FIRST CAUSE TO REVOKE PROBATION

(Failure to Submit Written Reports)

10. At all times after the effective date of Respondent's probation, Condition 5 stated:

5. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the terms and conditions of the Board's Probation Program.

11. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 5. The facts and circumstances regarding this violation are as follows:

A. Respondent failed to provide evidence of completion of her Mental Health Examination and On-Going Counseling Form.

B. Respondent failed to provide evidence of attendance in Nurse Support Group and AA meetings.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Function as a Registered Nurse)

12. At all times after the effective date of Respondent's probation, Condition 6 stated:

6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

13. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 6 in that she failed to work in an approved RN position for a minimum of 6 consecutive months at a minimum of 24 hours per week.

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1 17. Respondent's probation is subject to revocation because she failed to
2 comply with Probation Condition 15 in that she failed to provide evidence of attendance in a
3 nurse support group and AA or NA meetings.

4 **FIFTH CAUSE TO REVOKE PROBATION**

5 **(Failure to Submit to Tests and Samples)**

6 18. At all times after the effective date of Respondent's probation, Condition
7 17 stated:

8 **17. Submit to Tests and Samples.** Respondent, at her expense, shall
9 participate in a random, biological fluid testing or a drug screening
10 program which the Board approves. The length of time and frequency will
11 be subject to approval by the Board. The respondent is responsible for
12 keeping the Board informed of respondent's current telephone number at
13 all times. Respondent shall also ensure that messages may be left at the
14 telephone number when she is not available and ensure that reports are
15 submitted directly by the testing agency to the Board, as directed. Any
16 confirmed positive finding shall be reported immediately to the Board by
17 the program and the respondent shall be considered in violation of
18 probation.

14 In addition, respondent, at any time during the period of probation, shall fully
15 cooperate with the Board or any of its representatives, and shall, when requested,
16 submit to such tests and samples as the Board or its representatives may require
17 for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other
18 controlled substances.

17 If respondent has a positive drug screen for any substance not legally authorized
18 and not reported to the coordinating physician, nurse practitioner, or physician
19 assistant, and the Board files a petition to revoke probation or an accusation, the
20 Board may suspend respondent from practice pending the final decision on the
21 petition to revoke probation or the accusation. This period of suspension will not
22 apply to the reduction of this probationary time period.

21 If respondent fails to participate in a random, biological fluid testing or drug
22 screening program within the specified time frame, the respondent shall
23 immediately cease practice and shall not resume practice until notified by the
24 Board. After taking into account documented evidence of mitigation, if the Board
25 files a petition to revoke probation or an accusation, the Board may suspend
26 respondent from practice pending the final decision on the petition to revoke
27 probation or the accusation. This period of suspension will not apply to the
28 reduction of this probationary time period.

25 19. Respondent's probation is subject to revocation because she failed to
26 comply with Probation Condition 17 in that she has failed to submit to tests since June 1, 2005.
27 When the Board contacted Respondent's home in July and Augusts of 2005, her husband
28 informed the Board that she would not be testing anymore.

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1 **19. Therapy or Counseling Program.** Respondent, at her expense, shall
2 participate in an ongoing counseling program until such time as the Board
3 releases her from this requirement and only upon the recommendation of
4 the counselor. Written progress reports from the counselor will be
5 required at various intervals.

6 23. Respondent's probation is subject to revocation because she failed to
7 comply with Probation Condition 19 in that she failed to provide evidence of attending on-going
8 therapy or counseling.

9 **EIGHTH CAUSE TO REVOKE PROBATION**

10 **(Failure to Comply With Probation Program)**

11 24. At all times after the effective date of Respondent's probation, Condition 2
12 stated:

13 **2. Comply with Probation Program.** Respondent shall fully comply with
14 the terms and conditions of the Probation Program established by the
15 Board and cooperate with representatives of the Board in its monitoring
16 and investigation of the respondent's compliance with the Probation
17 Program. Respondent shall inform the Board in writing within no more
18 than 15 days of any address change and shall at all times maintain an
19 active, current license status with the Board, including during any period
20 of suspension.

21 25. Respondent's probation is subject to revocation because she failed to
22 comply with Probation Condition 2 in that failed to comply with probation conditions 5, 6, 11,
23 15, 17, 18, and 19, as described in paragraphs 10 to 24 above.

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1 PRAYER

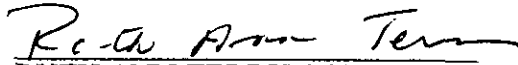
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Nursing Board issue a decision:

4 1. Revoking the probation that was granted by the Board of Registered
5 Nursing in Case No. 2002-88 and imposing the disciplinary order that was stayed thereby
6 revoking Registered Nurse License No. 511240 issued to ARLENE JOYCE LEONARD, R.N.;

7 2. Revoking or suspending Registered Nurse License No. 511240, issued to
8 ARLENE JOYCE LEONARD, R.N.;

9 3. Taking such other and further action as deemed necessary and proper.

10
11 DATED: 2/13/07

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13 
14 RUTH ANN TERRY, M.P.H., R.N.
15 Executive Officer
16 Board of Registered Nursing
17 State of California
18 Complainant

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Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2002-88

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2002-88

ARLENE JOYCE LEONARD
40590 Reed Valley Road
Aguanga, California 92536

Registered Nurse License No. 511240

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing of the Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 20, 2004.

It is so ORDERED January 21, 2004.

Sandra L. Erickson

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 TIMOTHY L. NEWLOVE, State Bar No. 73428
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7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 ARLENE JOYCE LEONARD
40590 Reed Valley Road
14 Aguanga, California 92536

15 Registered Nurse License No. 511240

16
17 Respondent.

Case No. 2002-88

O.A.H. No. L-2002080813

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
20 above-entitled proceedings that the following matters are true:

21 PARTIES

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Bill Lockyer, Attorney General of the State of California, by
25 Timothy L. Newlove, Deputy Attorney General.

26 2. Respondent ARLENE JOYCE LEONARD (Respondent) is representing
27 herself in this matter.

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3. On or about May 9, 1995, the Board of Registered Nursing (Board) issued registered nurse license number 511240 to respondent LEONARD. This license will expire on July 31, 2003, unless renewed.

JURISDICTION

4. On December 4, 2001, Accusation No. 2002-88 was filed before the Board and is currently pending against Respondent. The Accusation, together with all other statutorily required documents were properly served on Respondent on December 27, 2001, and respondent timely filed her Notice of Defense contesting the Accusation. On July 2, 2002, a First Amended Accusation was issued against respondent. On July 22, 2002, the First Amended Accusation was served upon respondent. A true and correct copy of the First Amended Accusation is attached hereto as Exhibit A, and incorporated herein by this reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read and understands the charges and allegations in the First Amended Accusation No. 2002-88. Respondent has also carefully read and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in the First Amended Accusation, Case No. 2002-88.

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1 9. Respondent agrees that her registered nurse license is subject to discipline
2 and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
3 Order below.

4 RESERVATION

5 10. The admissions made by Respondent herein are only for the purposes of
6 this proceeding, or any other proceedings in which the Board of Registered Nursing or other
7 professional licensing agency is involved, and shall not be admissible in any other criminal or
8 civil proceeding.

9 CONTINGENCY

10 11. This Stipulation shall be subject to approval by the Board. Respondent
11 understands and agrees that the Board of Registered Nursing's staff and counsel for Complainant
12 may communicate directly with the Board regarding this Stipulation and Settlement, without
13 notice to or participation by Respondent or his counsel. By signing the Stipulation, Respondent
14 understands and agrees that she may not withdraw his agreement or seek to rescind the
15 Stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
16 Stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be
17 of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
18 between the parties, and the Board shall not be disqualified from further action by having
19 considered this matter.

20 12. The parties understand and agree that facsimile copies of this Stipulated
21 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
22 force and effect as the originals.

23 13. In consideration of the foregoing admissions and stipulations, the parties
24 agree that the Board may, without further notice or formal proceeding, issue and enter the
25 following Disciplinary Order:

26 DISCIPLINARY ORDER

27 IT IS HEREBY ORDERED that registered nurse license number 511240 issued to
28 rspondent ARLENE JOYCE LEONARD is revoked. However, the revocation is stayed and

1 Respondent is placed on probation for three (3) years on the following terms and conditions.

2 **SEVERABILITY CLAUSE** - Each term and condition of probation contained
3 herein is a separate and distinct term and condition. If any term and condition of this Order, or
4 any application thereof, is declared unenforceable in whole, in part, or to any extent, the
5 remainder of this Order, and all other applications thereof, shall not be affected. Each term and
6 condition of this Order shall separately be valid and enforceable to the fullest extent permitted by
7 law.

8 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
9 A full and detailed account of any and all violations of law shall be reported by the respondent to
10 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
11 compliance with this term, respondent shall submit completed fingerprint cards and fingerprint
12 fees within 45 days of the effective date of the Decision, unless previously submitted as part of
13 the licensure application process. Respondent shall submit a recent 2" x 2" photograph of
14 himself or herself within 45 days of the effective date of the final Decision.

15 **Criminal Court Orders:** If respondent is under criminal court orders, including
16 probation or parole, and the order is violated, this shall be deemed a violation of these probation
17 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

18 2. **Comply with Probation Program.** Respondent shall fully comply with
19 the terms and conditions of the Probation Program established by the Board and cooperate with
20 representatives of the Board in its monitoring and investigation of the respondent's compliance
21 with the Probation Program. Respondent shall inform the Board in writing within no more than
22 15 days of any address change and shall at all times maintain an active, current license status
23 with the Board, including during any period of suspension.

24 3. **Report in Person.** Respondent, during the period of probation, shall appear
25 in person at interviews/meetings as directed by the Board or its designated representatives.

26 4. **Residency, Practice, or Licensure Outside of State.** Periods of
27 residency or practice as a registered nurse outside of California shall not apply toward a reduction
28 of this probation time period. Respondent's probation is tolled, if and when he or she resides

1 outside of California. The respondent must provide written notice to the Board within 15 days of
2 any change of residency or practice outside the state, and within 30 days prior to re-establishing
3 residency or returning to practice in this state.

4 Respondent shall provide a list of all states and territories where he or she has
5 ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall
6 further provide information regarding the status of each license and any changes in such license
7 status during the term of probation. Respondent shall inform the Board if she applies for or
8 obtains a new nursing license during the term of probation.

9 **5. Submit Written Reports.** Respondent, during the period of probation,
10 shall submit or cause to be submitted such written reports/declarations and verification of actions
11 under penalty of perjury, as required by the Board. These reports/declarations shall contain
12 statements relative to Respondent's compliance with all the terms and conditions of the Board's
13 Probation Program. Respondent shall immediately execute all release of information forms as
14 may be required by the Board or its representatives.

15 Respondent shall provide a copy of this decision to the nursing regulatory agency
16 in every state and territory in which he or she has a registered nurse license.

17 **Provide Decision** - Respondent shall provide a copy of this Decision to the
18 nursing regulatory agency in every state and territory in which he or she has a registered nurse
19 license.

20 **6. Function as a Registered Nurse.** Respondent, during the period of
21 probation, shall engage in the practice of registered nursing in California for a minimum of 24
22 hours per week for 6 consecutive months or as determined by the Board.

23 For purposes of compliance with the section, "engage in the practice of registered
24 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
25 work in any non-direct patient care position that requires licensure as a registered nurse.

26 The Board may require that advanced practice nurses engage in advanced practice
27 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
28 Board.

1 If respondent has not complied with this condition during the probationary term,
2 and the respondent has presented sufficient documentation of his good faith efforts to comply
3 with this condition, and if no other conditions have been violated, the Board, in its discretion,
4 may grant an extension of the Respondent's probation period up to one year without further
5 hearing in order to comply with this condition.

6 **7. Employment Approval and Reporting Requirements.** Respondent
7 shall obtain prior approval from the Board before commencing any employment, paid or
8 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
9 performance evaluations and other employment related reports as a registered nurse upon request
10 of the Board.

11 Respondent shall provide a copy of this Decision to his employer and immediate
12 supervisor prior to commencement of any nursing or other health care related employment.

13 Respondent shall notify the Board in writing within seventy-two (72) hours after
14 she obtains any nursing or other health care related employment, when such employment is not
15 as a registered nurse. Respondent shall notify the Board in writing within seventy-two (72) hours
16 after she is terminated from any registered nursing, other nursing, or other health care related
17 employment with a full explanation of the circumstances surrounding the termination or
18 separation.

19 **8. Supervision.** Respondent shall obtain prior approval from the Board
20 regarding Respondent's level of supervision and/or collaboration before commencing any
21 employment as a registered nurse, or education and training that includes patient care.

22 Respondent shall practice only under the direct supervision of a registered nurse
23 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
24 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
25 are approved.

26 Respondent's level of supervision and/or collaboration may include, but is not
27 limited to the following:

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1 (a) Maximum - The individual providing supervision and/or collaboration is
2 present in the patient care area or in any other work setting at all times.

3 (b) Moderate - The individual providing supervision and/or collaboration is in
4 the patient care unit or in any other work setting at least half the hours respondent works.

5 (c) Minimum - The individual providing supervision and/or collaboration has
6 person-to-person communication with Respondent at least twice during each shift worked.

7 (d) Home Health Care - If Respondent is approved to work in the home health
8 care setting, the individual providing supervision and/or collaboration shall have person-to-
9 person communication with respondent as required by the Board each work day. Respondent
10 shall maintain telephone or other telecommunication contact with the individual providing
11 supervision and/or collaboration as required by the Board during each work day. The individual
12 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
13 site visits to patients' homes visited by the respondent with or without respondent present.

14 9. **Employment Limitations.** Respondent shall not work for a nurse's
15 registry, in any private duty position as a registered nurse, a temporary nurse placement agency,
16 or for an in-house nursing pool.

17 Respondent shall not work for a licensed home health agency as a visiting nurse
18 unless the registered nursing supervision and other protections for home visits have been
19 approved by the Board. Respondent shall not work in any other registered nursing occupation
20 where home visits are required.

21 Respondent shall not work in any health care setting as a supervisor of registered
22 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
23 nurses and/or unlicensed assistive personnel on a case-by-case basis.

24 Respondent shall not work as a faculty member in an approved school of nursing
25 or as an instructor in a Board approved continuing education program.

26 Respondent shall work only on a regularly assigned, identified and predetermined
27 worksite(s) and shall not work in a float capacity.

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1 If the respondent is working or intends to work in excess of 40 hours per week,
2 the Board may request documentation to determine whether there should be restrictions on the
3 hours of work.

4 10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall
5 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
6 than six months prior to the end of his probationary term.

7 Respondent shall obtain prior approval from the Board before enrolling in the
8 course(s). Respondent shall submit to the Board the original transcripts or certificates of
9 completion for the above required course(s). The Board shall return the original documents to
10 respondent after photocopying them for its records.

11 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
12 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
13 amount of \$4,500. Respondent shall be permitted to pay these costs in a payment plan approved
14 by the Board, with payments to be completed no later than three months prior to the end of the
15 probation term.

16 12. **Violation of Probation.** If respondent violates the conditions of her
17 probation, the Board after giving the respondent notice and an opportunity to be heard, may set
18 aside the stay order and impose the stayed discipline (revocation/suspension) of the respondent's
19 license.

20 If during the period of probation, an Accusation or Petition to Revoke Probation
21 has been filed against respondent's license or the Attorney General's Office has been requested
22 to prepare an Accusation or Petition to Revoke Probation against the respondent's license, the
23 probationary period shall automatically be extended and shall not expire until the accusation or
24 petition has been acted upon by the Board.

25 13. **License Surrender.** During respondent's term of probation, if she
26 ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions
27 of probation, respondent may surrender her license to the Board. The Board reserves the right to
28 evaluate respondent's request and to exercise its discretion whether to grant the request, or to

1 take any other action deemed appropriate and reasonable under the circumstances, without
2 further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent
3 will no longer be subject to the conditions of probation.

4 Surrender of respondent's license shall be considered a disciplinary action and
5 shall become a part of respondent's license history with the Board. A registered nurse whose
6 license has been surrendered may petition the Board for reinstatement no sooner than the
7 following minimum periods from the effective date of the disciplinary decision:

8 1. Two years for reinstatement of a license that was surrendered for any reason
9 other than a mental or physical illness; or

10 2. One year for a license surrendered for a mental or physical illness.

11 14. **Physical Examination.** Within 45 days of the effective date of this
12 decision, respondent, at her expense, shall have a licensed physician, nurse practitioner, or
13 physician assistant, who is approved by the Board before the assessment is performed, submit an
14 assessment of the respondent's physical condition and capability to perform the duties of a
15 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
16 medically determined, a recommended treatment program will be instituted and followed by the
17 respondent with the physician, nurse practitioner, or physician assistant providing written reports
18 to the Board on forms provided by the Board.

19 If respondent is determined to be unable to practice safely as a registered nurse,
20 the licensed physician, nurse practitioner, or physician assistant making this determination shall
21 immediately notify the Board and respondent by telephone, and the Board shall request that the
22 Attorney General's Office prepare an accusation or petition to revoke probation. Respondent
23 shall immediately cease practice and shall not resume practice until notified by the Board.
24 During this period of suspension, respondent shall not engage in any practice for which a license
25 issued by the Board is required until the Board has notified respondent that a medical
26 determination permits respondent to resume practice. This period of suspension will not apply to
27 the reduction of this probationary time period.

28 ///

1 If the respondent fails to have the above assessment submitted to the Board within
2 the 45-day requirement, respondent shall immediately cease practice and shall not resume
3 practice until notified by the Board. This period of suspension will not apply to the reduction of
4 this probationary time period. The Board may waive or postpone this suspension only if
5 significant, documented evidence of mitigation is provided. Such evidence must establish good
6 faith efforts by the respondent to obtain the assessment, and a specific date for compliance must
7 be provided. Only one such waiver or extension may be permitted.

8 **15. Participate in Treatment/Rehabilitation Program for Chemical**
9 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
10 period or shall have successfully completed prior to commencement of probation a Board-
11 approved treatment/rehabilitation program of at least six months duration. As required, reports
12 shall be submitted by the program on forms provided by the Board. If respondent has not
13 completed a Board-approved treatment/rehabilitation program prior to commencement of
14 probation, respondent, within 45 days from the effective date of the decision, shall be enrolled in
15 a program. If a program is not successfully completed within the first nine months of probation,
16 the Board shall consider respondent in violation of probation.

17 Based on Board recommendation, each week respondent shall be required to
18 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
19 Anonymous, Alcoholic Anonymous, etc.) and a nurse support group as approved and directed by
20 the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent
21 shall be added. Respondent shall submit dated and signed documentation confirming such
22 attendance to the Board during the entire period of probation. Respondent shall continue with
23 the recovery plan recommended by the treatment/rehabilitation program or a licensed mental
24 health examiner and/or other ongoing recovery groups.

25 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs**

26 Respondent shall completely abstain from the possession, injection or
27 consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except
28 when the same are ordered by a health care professional legally authorized to do so as part of

1 documented medical treatment. Respondent shall have sent to the Board, in writing and within
2 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
3 dosage, the date the medication was prescribed, the respondent's prognosis, the date the
4 medication will no longer be required, and the effect on the recovery plan, if appropriate.

5 Respondent shall identify for the Board a single physician, nurse practitioner or
6 physician assistant who shall be aware of respondent's history of substance and will coordinate
7 and monitor any prescriptions for respondent for dangerous drugs, controlled substances or
8 mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall
9 report to the Board on a quarterly basis respondent's compliance with this condition. If any
10 substances considered addictive have been prescribed, the report shall identify a program for the
11 time limited use of any such substances.

12 The Board may require the single coordinating physician, nurse practitioner, or
13 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
14 addictive medicine.

15 **17. Submit to Tests and Samples.** Respondent, at her expense, shall
16 participate in a random, biological fluid testing or a drug screening program which the Board
17 approves. The length of time and frequency will be subject to approval by the Board. The
18 respondent is responsible for keeping the Board informed of respondent's current telephone
19 number at all times. Respondent shall also ensure that messages may be left at the telephone
20 number when she is not available and ensure that reports are submitted directly by the testing
21 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to
22 the Board by the program and the respondent shall be considered in violation of probation.

23 In addition, respondent, at any time during the period of probation, shall fully
24 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
25 tests and samples as the Board or its representatives may require for the detection of alcohol,
26 narcotics, hypnotics, dangerous drugs, or other controlled substances.

27 If respondent has a positive drug screen for any substance not legally authorized
28 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the

1 Board files a petition to revoke probation or an accusation, the Board may suspend respondent
2 from practice pending the final decision on the petition to revoke probation or the accusation.
3 This period of suspension will not apply to the reduction of this probationary time period.

4 If respondent fails to participate in a random, biological fluid testing or drug
5 screening program within the specified time frame, the respondent shall immediately cease
6 practice and shall not resume practice until notified by the Board. After taking into account
7 documented evidence of mitigation, if the Board files a petition to revoke probation or an
8 accusation, the Board may suspend respondent from practice pending the final decision on the
9 petition to revoke probation or the accusation. This period of suspension will not apply to the
10 reduction of this probationary time period.

11 18. **Mental Health Examination.** The respondent shall, within 45 days of
12 the effective date of this decision, have a mental health examination including psychological
13 testing as appropriate to determine her capability to perform the duties of a registered nurse. The
14 examination will be performed by a psychiatrist, psychologist or other licensed mental health
15 practitioner approved by the Board. The examining mental health practitioner will submit a
16 written report of that assessment and recommendations to the Board. All costs are the
17 responsibility of the respondent. Recommendations for treatment, therapy or counseling made as
18 a result of the mental health examination will be instituted and followed by the respondent.

19 If respondent is determined to be unable to practice safely as a registered nurse,
20 the licensed mental health care practitioner making this determination shall immediately notify
21 the Board and respondent by telephone, and the Board shall request that the Attorney General's
22 Office prepare an accusation or petition to revoke probation. Respondent shall immediately
23 cease practice and may not resume practice until notified by the Board. During this period of
24 suspension, respondent shall not engage in any practice for which a license issued by the Board is
25 required, until the Board has notified respondent that a mental health determination permits
26 respondent to resume practice. This period of suspension will not apply to the reduction of this
27 probationary time period.

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1 If the respondent fails to have the above assessment submitted to the Board within
2 the 45-day requirement, respondent shall immediately cease practice and shall not resume
3 practice until notified by the Board. This period of suspension will not apply to the reduction of
4 this probationary time period. The Board may waive or postpone this suspension only if
5 significant, documented evidence of mitigation is provided. Such evidence must establish good
6 faith efforts by the respondent to obtain the assessment, and a specific date for compliance must
7 be provided. Only one such waiver or extension may be permitted.

8 **19. Therapy or Counseling Program.** Respondent, at her expense, shall
9 participate in an ongoing counseling program until such time as the Board releases her from this
10 requirement and only upon the recommendation of the counselor. Written progress reports from
11 the counselor will be required at various intervals.

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order. I
3 understand the Stipulation and the effect it will have on my registered nurse license number
4 511240. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,
5 and intelligently, and agree to be bound by the Decision and Order of the Board of Registered
6 Nursing.

7
8 DATED: 8/7/03


9
10 
11 ARLENE JOYCE LEONARD
12 Respondent

13
14 ENDORSEMENT

15 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
16 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
17 Affairs.

18
19 DATED: August 18, 2003

20
21 BILL LOCKYER, Attorney General
22 of the State of California

23 
24 TIMOTHY L. NEWLOVE
25 Deputy Attorney General

26
27 Attorneys for Complainant
28

Exhibit A

First Amended Accusation No. 2002-88

1 BILL LOCKYER, Attorney General
of the State of California
2 SHERRY L. LEDAKIS, State Bar No. 131767
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, California 92101
P.O. Box 85266
5 San Diego, California 92186-5266
Telephone: (619) 645-2117

6 Attorneys for Complainant

7
8 BEFORE THE
BOARD OF REGISTERED NURSING
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation Against:

12 ARLENE JOYCE LEONARD a.k.a.
ARLENE J. LEONARD
13 P.O. Box 141
Aguanga, CA 92536

14 Registered Nurse License No. 511240,

15 Respondent.
16

Case No. 2002-88

FIRST AMENDED ACCUSATION

(Cal. Gov. Code, § 11503.)

17 COMES NOW Complainant Ruth Ann Terry, M.P.H., R.N., who, as causes for
18 disciplinary action, alleges as follows:

19 PARTIES

20 1. Complainant is the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs, State of California (hereinafter the "Board"), and makes and
22 files this Accusation solely in her official capacity as such and not otherwise.

23 2. On or about May 9, 1995, the Board issued Registered Nurse License No.
24 511240 to Arlene Joyce Leonard a.k.a. Arlene J. Leonard (hereinafter "respondent"). Said
25 license was in full force and effect at all times relevant herein and will expire on July 31, 2002,
26 unless renewed.

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JURISDICTION

3. This Accusation is made in reference to the following statutes of the California Business and Professions Code (hereinafter the "Code"):

A. Section 2750 provides, in pertinent part, that every certificate holder or licensee, including licensees holding temporary licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided in Article 3 of the Nursing Practice Act.

B. Section 2761 provides, in pertinent part, that:

The board may take disciplinary action against a certified or licensed nurse . . . for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or regulations adopted pursuant to it.

....

C. Section 2762 provides, in pertinent part, as follows:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

...

1 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
2 unintelligible entries in any hospital, patient, or other record pertaining to the
substances described in subdivision (a) of this section.

3 D. Section 2764 provides as follows:

4 The lapsing or suspension of a license by operation of law or by order or
5 decision of the board or a court of law, or the voluntary surrender of a license by a
6 licentiate shall not deprive the board of jurisdiction to proceed with any
investigation of or action or disciplinary proceeding against such license, or to
render a decision suspending or revoking such license.

7 E. Section 4022 provides, in pertinent part, that "[d]angerous drug" . . .
8 means any drug . . . unsafe for self-use . . . and includes . . . [a]ny drug that bears
9 the legend: 'Caution: federal law prohibits dispensing without prescription,' 'Rx
10 only,' or words of similar import" and "[a]ny other drug . . . that by federal or
11 state law can be lawfully dispensed only on prescription or furnished pursuant to
12 Section 4006."

13 4. This Accusation is also made in reference to the following statute of the
14 California Health and Safety Code:

15 Section 11170 provides that no person shall prescribe, administer, or
16 furnish a controlled substance for himself.

17 COST RECOVERY

18 5. California Business and Professions Code section 125.3 provides, in pertinent
19 part, that in any order issued in resolution of a disciplinary proceeding, a board may request that
20 the administrative law judge direct a licensee found to have committed a violation or violations
21 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case, including charges imposed by the Attorney General. Under section
23 125.3, subdivision (c), a certified copy of the actual costs or a good faith estimate of costs where
24 actual costs are not available, including investigative and enforcement costs, and charges
25 imposed by the Attorney General, up to the date of the hearing, signed by the designated
26 representative of the entity bringing the proceeding shall be *prima facie* evidence of the
27 reasonable costs of investigation and prosecution of the case.

1 CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

2 6. This Accusation is also made in reference to the following controlled
3 substances and dangerous drugs:

4 A. "Demerol," a brand name for meperidine hydrochloride, is a
5 Schedule II controlled substance under California Health and Safety Code section
6 11055(c)(17) and a dangerous drug within the meaning of California Business
7 and Professions Code section 4022.

8 B. "Morphine" is a Schedule II controlled substance under
9 California Health and Safety Code section 11055(b)(1)(M) and a dangerous drug
10 within the meaning of California Business and Professions Code section 4022.

11 C. "Percocet," a brand name for oxycodone hydrochloride, is a
12 Schedule II controlled substance under Health and Safety Code section
13 11055(b)(1)(N) and a dangerous drug within the meaning of California Business
14 and Professions Code section 4022 (formerly section 4211) in that it is unsafe for
15 self-medication.

16 D. "Desoxyn," a brand name for methamphetamine hydrochloride,
17 is a Schedule II controlled substance under California Health and Safety Code
18 section 11055(d)(2) and a dangerous drug within the meaning of California
19 Business and Professions Code section 4022.

20 E. "Amphetamine," is a Schedule II controlled substance under
21 California Health and Safety Code section 11055(d)(1), and a dangerous drug
22 within the meaning of California Business and Professions Code section 4022.

23 F. "Vicodin," a brand name for hydrocodone bitartrate and
24 acetaminophen, is a Schedule III controlled substance under California Health
25 and Safety Code section 11056(e)(4) and a dangerous drug within the meaning of
26 California Business and Professions Code section 4022.

27 G. "Ativan," a brand name for Lorazepam, is a Schedule IV
28 controlled substance under California Health and Safety Code section

1 11057(d)(13), and a dangerous drug within the meaning of California Business
2 and Professions Code section 4022.

3 H. "Oxazepam," is a Schedule IV controlled substance under
4 California Health and Safety Code section 11057(d)(18), and a dangerous drug
5 within the meaning of California Business and Professions Code section 4022.

6 I. "Darvocet," a brand name for propoxyphene napsylate, is a
7 Schedule IV controlled substance under California Health and Safety Code
8 section 11057(c)(2) and a dangerous drug within the meaning of California
9 Business and Professions Code section 4022 (formerly section 4211).

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct Relating to Controlled**

12 **Substances and Dangerous Drugs)**

13 7. Respondent has subjected her Registered Nurse License No. 511240 to
14 disciplinary action under California Business and Professions Code sections 2762(a), 2762(b)
15 and Health and Safety Code section 11170, in that respondent used a controlled substance as
16 defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any
17 dangerous drug or to an extent or in a manner dangerous or injurious to herself, any other person,
18 or the public or to the extent that such use impaired her ability to conduct with safety to the
19 public the practice authorized by her license, as more particularly alleged hereinafter:

20 (a) Respondent was employed by Medical Staffing Services, a
21 nurse registry, from November of 1999 to January of 2000. As a new employee,
22 respondent was required to provide a urine sample to her employer. In December
23 of 1999, during a quality assurance check of respondent's employee file it was
24 discovered that respondent had not submitted to a drug screen.

25 (b) On December 23, 1999, respondent was sent to Doctors' Care
26 Medical Centers and provided a urine sample for drug testing. On January 12,
27 2000, respondent's drug testing sample was positive for Methamphetamine,
28

1 Amphetamine and Oxazepam. Respondent was immediately suspended from
2 working at Medical Staffing Services.

3 (c) When confronted with the positive drug screen, respondent
4 admitted taking Desoxyn and Ativan. Respondent told the investigator that her
5 ex-husband, W.L., M.D., gave her a prescription of Desoxyn to treat obesity, and
6 that she obtained the prescription of Ativan from Y.A., M.D.

7 (d) Drs. W.L and Y.A. both denied giving respondent
8 prescriptions for these medications.

9 (e) On September 19, 2000, respondent provided investigator S.C.
10 with a urine sample which was positive for propoxyphene.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct Relating to Use of Controlled**

13 **Substances and Dangerous Drugs)**

14 8. Respondent has further subjected her Registered Nurse License No.
15 511240 to disciplinary action under California Business and Professions Code sections 2750,
16 2761, 2761(a), 2761(d), and 2762, on the grounds of unprofessional conduct as defined by
17 section 2762(e) of the Code, in that respondent has falsified, or made grossly incorrect, grossly
18 inconsistent, or unintelligible entries in hospital, patient, or other records pertaining to controlled
19 substances and/or dangerous drugs, as more particularly alleged hereinafter:

20 (a) Paragraphs 7(a) through and including paragraphs 7(b) are
21 hereby incorporated by reference as if fully set forth herein.

22 (b) On or about March of 2000 and April of 2000, respondent was
23 employed by Westways Staffing Services, Inc., a nursing registry, and was
24 assigned to work as a registered nurse at Tri-City Medical Center located in
25 Oceanside, California.

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1 **Patient E.S.**

2 (c) On or about March 7, 2000, at 00:20 hours, respondent signed
3 out 1 tablet of Vicodin from the Pyxis^{1/} for patient E.S. but failed to chart the
4 administration of this Vicodin in the PRN Administered Medications Record or
5 the nursing notes or otherwise account for the disposition of this Vicodin.

6 (d) On or about March 7, 2000, at 00:34 hours, respondent signed
7 out 1 tablet of Vicodin from the Pyxis for patient E.S. but failed to chart the
8 administration of this Vicodin in the PRN Administered Medications Record or
9 the nursing notes or otherwise account for the disposition of this Vicodin.

10 **Patient E.H.**

11 (e) On or about March 16, 2000, at 00:01 hours, respondent
12 signed out 2 tablets of Vicodin from the Pyxis for patient E.H. but failed to chart
13 the administration of this Vicodin in the PRN Administered Medications Record
14 or the nursing notes or otherwise account for the disposition of this Vicodin.

15 (f) On or about March 16, 2000, at 00:19 hours, respondent signed
16 out 25 mg of Demerol from the Pyxis for patient E.H. but failed to chart the
17 administration of this Demerol in the PRN Administered Medications Record or
18 the nursing notes or otherwise account for the disposition of this Demerol.

19 **Patient B.F.**

20 (g) On or about March 21, 2000, at 02:28 hours, respondent
21 signed out 2 tablets of Percocet from the Pyxis for patient B.F. but failed to chart
22 the administration of this Percocet in the PRN Administered Medications Record
23 or the nursing notes or otherwise account for the disposition of this Percocet.

24 **Patient A.B.**

25 (h) On or about March 25, 2000, at 00:07 hours, respondent
26 signed out 2 tablets of Percocet from the Pyxis machine for patient A.B. but
27

28
1. A Pyxis machine is a medication dispensing machine.

1 failed to chart the administration of this Percocet in the PRN Administered
2 Medications Record.

3 (i) On or about March 25, 2000, at 04:00 hours, respondent made
4 an entry in the nursing notes which states "medicated for pain x 4. ... [with]
5 darvocet percocet & ms [morphine] finally got results." (Inserts added.)

6 (j) On or about March 25, 2000, at 04:19 hours, respondent signed
7 out 2 mg of Morphine from the Pyxis for patient A.B. but failed to chart the
8 administration of this Morphine in the PRN Administered Medications Record.

9 (k) On or about March 25, 2000, at 04:20 hours, respondent
10 signed out 2 tablets of Percocet from the Pyxis for patient A.B. but failed to chart
11 the administration of this Percocet in the PRN Administered Medications Record.

12 (l) On or about March 25, 2000, at 05:00 hours, respondent
13 charted that she administered Darvocet-N 100 to patient A.B., however, there is
14 no record of respondent signing out this Darvocet from the Pyxis for patient A.B.
15 on this date.

16 (m) On or about March 25, 2000, at 07:16 hours, respondent
17 signed out 2 tablets of Percocet from the Pyxis for patient A.B. but failed to chart
18 the administration of this Percocet in the PRN Administered Medications Record.

19 **Patient H.S.**

20 (n) On or about March 29, 2000, at 23:42 hours, respondent
21 signed out 2 tablets of Percocet from the Pyxis for patient H.S. but failed to chart
22 the administration of this Percocet in the PRN Administered Medications Record
23 or the nursing notes or otherwise account for the disposition of this Percocet.

24 (o) On or about March 30, 2000, at 02:07 hours, respondent
25 signed out 2 tablets of Percocet from the Pyxis for patient H.S. but failed to chart
26 the administration of this Percocet in the PRN Administered Medications Record
27 or the nursing notes or otherwise account for the disposition of this Percocet.

1 (p) On or about March 30, 2000, at 06:29 hours, respondent
2 signed out 2 tablets of Percocet from the Pyxis for patient H.S. but failed to chart
3 the administration of this Percocet in the PRN Administered Medications Record
4 or the nursing notes or otherwise account for the disposition of this Percocet.

5 PRAYER

6 WHEREFORE, complainant requests that a hearing be held on the matters
7 alleged herein, and that following said hearing, that the Board issue its decision:

8 1. Revoking or suspending Registered Nurse License No. 511240 heretofore
9 issued to Arlene Joyce Leonard a.k.a. Arlene J. Leonard;

10 2. Ordering respondent to pay, under section 125.3, the reasonable costs of
11 investigation and enforcement in this case; and

12 3. Taking such other and further action as the Board deems necessary and proper
13 to protect the public health, safety and welfare.

14 DATED: July 2, 2002.

15
16 Ruth Ann Terry
17 RUTH ANN TERRY, M.P.H., R.N.
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California

22 Complainant

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26
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28 TSL/SLL